

Notice of Allowability

Application No.

10/712,406

Examiner

Douglas A Hess

Applicant(s)

HARTNESS ET AL.

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to filing of 11-13-03.
2. ☒ The allowed claim(s) is/are 1,2,4,5,7,9-36,38,39,41 and 43-71.
3. ☒ The drawings filed on 13 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffrey Karmilovich on Sept. 28, 2004.

2. The application has been amended as follows:

SPECIFICATION

On page 1 of the specification, line 9, --10/712,407-- has been inserted in the blank referencing related applications.

On page 1, of the specification, line 10, --10/712,405-- has been inserted in the blank referencing related applications.

CLAIMS

Claims 3, 6, 8, 37, 40, and 42 have been canceled.

In claim 1, line 5, the word "moveable" has been deleted and replaced with --slides in a parallel manner to and--.

In claim 1, line 5, --the-- has been inserted between "of" and "length".

In claim 10, line 2, "members" has been changed to --member--.

In claim 11, line 2, "members" has been changed to --member--.

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In claim 16, line 1, the phrase “the gripping members each include a pin” has been changed to --each gripping member includes a pin--.

In claim 17, line 1, the phrase “the gripping members each include a plate” has been changed to --each gripping member includes a plate--.

In claim 32, line 2, “members” has been changed to --member--.

In claim 33, line 2, “members” has been changed to --member--.

In claim 34, line 2, in both instances “members” has been changed to --member--.

In claim 34, line 2, “are” has been changed to --is--.

In claim 35, line 5, the word “moveable” has been deleted and replaced with --slides in a parallel manner to and--.

In claim 35, line 5, --the-- has been inserted between “of” and “length”.

In claim 49, line 1, “members” has been changed to --member--.

In claim 59, line 1, “members” has been changed to --member--.

In claim 60, line 2, in both instances “members” has been changed to --member--.

In claim 60, line 2, “are” has been changed to --is--.

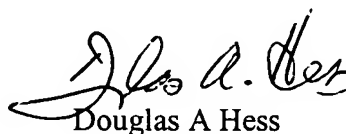
In claim 61, line 6, --the-- has been inserted between “of” and “length”.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas A Hess whose telephone number is 703-308-3428. The examiner can normally be reached on M-Thurs 5:30 - 4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on 703-308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Douglas A Hess
Primary Examiner
Art Unit 3651

9-28/04

DAH
September 28, 2004